

FILED 10 DEC 27 1358 USDC ORN

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ALLEN LAMONT JAMES,

Petitioner, Civ. No. 10-202-CL

v. **OPINION AND ORDER**

DON MILLS,

Respondent.

PANNER, District Judge:

Magistrate Judge Mark D. Clarke filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Although no objections have been filed, this court reviews the legal principles *de novo*. See Lorin Corp. v Goto & Co., Ltd., 700 F.2d 1202, 1206 (9th Cir. 1983). I conclude that the R and R is correct.

Magistrate Judge Clarke's Report and Recommendation (#20) is adopted. Respondent's Motion to Dismiss Without Prejudice (#17) is

DENIED. The Clerk of Court is directed to enter an order staying this proceeding and setting a case status check one year from the date of this order.

IT IS SO ORDERED.

DATED this 27 day of December, 2010.



OWEN M. PANNER
U.S. DISTRICT JUDGE